

**REAL ESTATE BOARD
MADISON, WI
MINUTES
FEBRUARY 27, 2003**

PRESENT: Rebecca Dysland (attended by phone), Nancy Gerrard (attended by phone), Richard Hinsman and Maria Watts

EXCUSED: Richard Kollmansberger

STAFF PRESENT: Patricia Hoeft, Division Administrator; Roxanne Peterson, Administrative Assistant; William Black, Legal Counsel, Pamela Meicher, Program Assistant

GUESTS: Rick Staff, WRA

CALL TO ORDER

Richard Hinsman Vice Chair, called the meeting to order at 10:07 a.m. A quorum of 4 members was present.

AGENDA

MOTION: Maria Watts moved, seconded by Richard Nancy Gerrard, to approve the agenda as published. Motion carried unanimously.

MINUTES (12/05/02)

Amendments: Change the second motion on page 2 to:

MOTION: Richard Hinsman moved, seconded by Peter Sveum, to recommend to the Department that during the 2003-2004 licensing biennium commercial brokers be required to take the New Developments Course and that they be permitted to substitute for the other three courses a total of nine hours in courses taken to obtain or maintain a designation from CCIM, SIOR or IREM, provided that the licensees pass an exam at the end of the course(s). Such commercial courses may include conferences, provided there is an exam. Such courses must also consist of no less than the number of hours in the general courses for which the commercial brokerage courses are substituting. Motion carried unanimously.

ELECTION OF OFFICERS

Election of officers will be deferred until the next meeting.

APPOINT BOARD MEMBERS TO SCREENING PANEL FOR 2003

Vice Chair Richard Hinsman suggested that two people be assigned to the screening panel besides him (Maria Watts and Richard Kollmansberger). This will be discussed further at the next Board meeting.

ADMINISTRATIVE REPORT

The Board welcomed Patricia Hoeft as the new Division Administrator to the Board. Ms. Hoeft is the assistant director of St. Norbert Alumni and Parent Relations. Ms. Hoeft served in various positions within the Oneida Tribe of Indians including legislative analyst and manager of the Legislative Reference Office and looks forward to working with the Board.

- **Board Roster** - Noted
- **Senate Confirmations** - Noted
- **Hal Lee Resignation** - Noted
- **Meeting Dates for 2003** - Noted
- **2002 Renewal Statistics** – Noted
- **To-Do List**

The Board discussed the possibility of putting the “Termination of Employment” form on line. Roxanne Peterson advised that this request will be referred to IT. The Board discussed the “Agency Disclosure” form and whether the form should be a state approved form.

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to refer the “Agency Disclosure” form to the Real Estate Contractual Forms Advisory Council for drafting as an approved form. Motion carried unanimously.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases – November 7, 2002** - Noted
- **To-Pass Folder** - Noted

LEGISLATIVE UPDATE

None

SECRETARY DONSIA STRONG HILL

The Board welcomed Secretary Donsia Strong Hill. Secretary Strong Hill indicated she would like to see more technological advances in the agency including all renewals on line. Currently,

only real estate renewals are on line. Secretary Strong Hill would also like to see a study completed on fees to ensure the fees are in line with the costs.

Secretary Strong Hill introduced Christopher Klein, Executive Assistant and Legislative Liaison for the Department and Boards.

ADMINISTRATIVE RULES

• Chapters RL 17 and 24

William Black, Legal Counsel informed the Board that the proposed rules will be readdressed by the Department administrative staff.

REAL ESTATE EXAM ISSUES AND UPDATE – DR. BARBARA SHOWERS

Dr. Barbara Showers distributed the proposed 2003 real estate examination changes. The proposed implementation is scheduled for 07/01/03 and includes examination changes from general theory and to a state-only exam. Vendor changes for administration of examinations will transfer from PSI to Promissor with the new contract

Barbara Showers explained that the real estate schools have concerns regarding the 07/01/03 implementation date. The Board discussed the possibility of delaying the implementation date to September 1, 2003.

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to change the exam deadline and vendor change to 09/01/03 rather than the 07/01/03 proposed date. Motion carried unanimously.

Dr. Showers will send notification to all schools involved advising them of these changes.

DISCUSSION RE: PROPOSED DOE FORFEITURE GRID

Jack Temby, DOE and the Board discussed the possibility of the Division of Enforcement preparing a forfeiture grid. Attorney Jack Temby discussed the creation of a routine disciplines grid. Mr. Temby advised the Board that he will discuss the feasibility of preparing a grid with others in DOE.

MISCELLANEOUS CORRESPONDENCE

William Black, Legal Counsel, asked that the Board provide assistance with a practice question from Karen Stang relating to forms associated with “to be made” improvements to the commissions. After discussion, it was determined that if the question was not related to a complaint then the Attorney should advise Karen Stang that she should contact her attorney for this type of question.

**UPDATE ON RAINBOW AUCTION AND REALTY COMPANY, INC., AND JOHN
SCHUSTER VS. REAL ESTATE BOARD ET AL**

William Black, Legal Counsel, distributed copies of the letter from William Skemp Law Firm, S.C., addressing the start and end date of Rainbow Auction and Realty Company, Inc., and Jon Schuster's suspended license.

MOTION: Maria Watts moved, seconded by Rebecca Dysland, to agree that the six-month suspension period in the matter of Rainbow Auction and Realty Company, Inc., and John Schuster's license suspension should be effective from 12/22/02 and to keep the Order as written. Motion carried unanimously.

PUBLIC COMMENTS

None.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

DOE Attorney Colleen Baird presented Stipulations relating to Lisa Byrne, Jeffrey Sowl, Donald Leone and Christopher Northwood, Northwood Real Estate, LLP.

CLOSED SESSION

MOTION: Maria Watts moved, seconded by Nancy Gerrard, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Rebecca Dysland-yes, Richard Hinsman-yes, Nancy Gerrard-yes, and Maria Watts-yes. Motion carried unanimously.

Open Session Recessed at 11:22 a.m.

RECONVENE TO OPEN SESSION

MOTION: Rebecca Dysland moved, seconded by Nancy Gerrard, to reconvene into open session. Motion carried unanimously.

The open session reconvened at 12:24 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Maria Watts moved, seconded by Nancy Gerrard, to close the following cases:

99 REB 240 Prosecutory discretion with a flag, P5
01 REB 096 No violation
01 REB 144 Insufficient evidence
01 REB 181 Insufficient evidence
01 REB 229 Prosecutorial discretion
01 REB 274 No violation
01 REB 326 No violation
01 REB 330 No violation
02 REB 048 No violation
02 REB 168 No violation
02 REB 268 Prosecutorial discretion, P6
02 REB 201 No violation
02 REB 232 No violation
Motion carried unanimously

STIPULATIONS

Lisa Byrne (LaPointe, WI)

MOTION: Maria Watts moved, seconded by Rebecca Dysland, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Lisa Byrne. Motion carried unanimously.

Jeffrey L. Sowl (LaPointe, WI)

MOTION: Rebecca Dysland moved, seconded by Maria Watts, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Jeffrey L. Sowl. Motion carried unanimously.

Donald Leone (Milwaukee, WI)

MOTION: Maria Watts moved, seconded by Nancy Gerrard, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Donald Leone. Motion carried unanimously.

Christopher W. Northwood, Northwood Real Estate, LLP (Stevens Point, WI)

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Christopher W. Northwood, Northwood Real Estate, LLP. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

01 REB 229

MOTION: Rebecca Dysland moved, seconded by Maria Watts, to send case 01 REB 229 Administrative Warning to DOE for more information and for correction of a statute citation for the violation. Motion carried unanimously.

01 REB 305

MOTION: Maria Watts moved, seconded by Rebecca Dysland, to approve proposed 01 REB 305 Administrative Warning. Motion carried unanimously.

01 REB 174

MOTION: Maria Watts moved, seconded by Nancy Gerrard, to approve proposed 01 REB174 Administrative Warning. Motion carried unanimously.

01 REB 174

MOTION: Maria Watts moved, seconded by Nancy Gerrard, to approve proposed 01 REB 174 Administrative Warning. Motion carried unanimously.

01 REB 311

MOTION: Maria Watts moved, seconded by Rebecca Dysland, approve proposed 01 REB 311 Administrative Warning. Motion carried unanimously.

REQUEST FOR FULL LICENSURE

The requests for full licensure for Barbara Masche and Annette L. Reynolds were deferred until the next Board meeting.

The request for full licensure in the matter of Charles B. Schellen was withdrawn.

ADJOURNMENT

MOTION: Rebecca Dysland moved, seconded by Nancy Gerrard, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:24 p.m.